

**EXHIBIT “18”**

**REPORTER'S RECORD**  
**TRIAL COURT CAUSE NO. 2020DCV2997**  
**VOLUME 2 OF 3 VOLUMES**

COPY

## STATUS HEARING

16                   The 14th day of July, 2021, the following  
17 proceedings came on to be heard in the above-entitled  
18 and numbered cause before the Honorable Thomas A.  
19 Spieczny, Judge Presiding, via Zoom in accordance with  
20 the Supreme Court of Texas' Emergency Order Regarding  
21 the COVID-19 State of Disaster, held in El Paso, El Paso  
22 County, Texas:

23 Proceedings reported by machine shorthand  
24 utilizing computer-assisted realtime transcription.

1                   MS. KELLEY: Yes, Your Honor. I -- I  
2 apologize for being late.

3                   THE COURT: No. I got you. I think -- I  
4 understand you were in traffic. No problem.

5                   MS. KELLEY: Thank you.

6                   THE COURT: I think we're all good. So I  
7 think we can -- I can see everybody now.

8                   MS. KELLEY: Okay.

9                   THE COURT: Okay. The way I remember how  
10 we left it last week, we had a hearing, and I had had a  
11 previous order to deposit some funds into the registry  
12 of the Court. The defendant raised some issues at the  
13 last hearing, and I modified my order. One of the  
14 things that was raised was that there was some portion  
15 of the funds that were encumbered, so I modified the  
16 order to say that I believe 750,000 was to be deposited  
17 into the registry of the Court by this coming Monday.  
18 And it's my understanding that there are some issues or  
19 concerns about that.

20                  I have received from Mr. Brown one exhibit  
21 that I think he intends to rely on during this hearing,  
22 but that's as much as I know. So, Mr. Brown, I will let  
23 you go first. I get a sense that you are the person  
24 that wants to have something heard today.

25                  MR. BROWN: That's correct, Judge. And

1 I'll just say that kind of in an abundance of caution I  
2 went ahead and set a hearing just because if there was  
3 anything that came up, I wanted to be able to have  
4 something on the calendar before Monday.

5 But I'll just start out by saying that I  
6 have had some discussions today with -- with Counsel for  
7 WestStar and Fidelity. And I don't mean to get into  
8 those, but I did have some discussions with them.

9 I would like to offer into evidence the  
10 Exhibit 1.

11 (Defendant's Exhibit 1, offered.)

12 MR. BROWN: And -- and, really, it's a  
13 document that is essentially similar or essentially the  
14 same as Exhibit B to the original joint motion to compel  
15 interpleader. And it -- it simply shows that the funds  
16 in the -- in these two accounts, the 1,038,000, is -- it  
17 remains on deposit as of -- as of today.

18 So there was some discussion at the last  
19 hearing about, well, we don't have the statement, so  
20 that might lead people to believe that there's some  
21 reason for a not recently updated statement, i.e., that  
22 the funds were not there. But I would offer that into  
23 evidence just for the purpose of -- of putting that  
24 concern to rest.

25 THE COURT: Are there any objections to

1           Exhibit Number 1?

2           MR. BREWER: No objection, Your Honor.

3           MR. KIRK: I don't know what the exhibit  
4 is, Your Honor.

5           THE COURT: Have you not seen it? Okay.

6 What I --

7           MR. KIRK: I have 4 pages --

8           THE COURT: -- Exhibit Number 1 appears to  
9 be two parts. There is a asset management exhibit  
10 generated by Wells Fargo, which I think summarizes a  
11 treasury money market fund. And then there is an  
12 exhibit which is a letter dated July 14th to Westmount,  
13 essentially saying that there is a -- an amount of  
14 \$338,000 in that one. And then I think there was  
15 another one from them saying that there is over 700,000.  
16 And that -- those are also dated July 14th. So as of  
17 July 14th it looks like there was a little over a  
18 million deposited in WestStar.

19           MR. BREWER: Wells Fargo.

20           THE COURT: In West- -- correct. Thank  
21 you. Excuse me. Thank you for correcting me.

22           Are there objections to the exhibits?

23           MR. KIRK: Yes, Your Honor. This is a  
24 roundabout way of objecting, I think. We don't have a  
25 pleading in front of us. I don't know what relief it is

1 that Mr. Parsa is going to be asking for, so, you know,  
2 this is kind of an ambush.

3 THE COURT: Well --

4 MR. KIRK: I don't know where it's going.

5 THE COURT: I'm not -- I have not looked  
6 thoroughly at all the pleadings. I know there are some  
7 motions that were filed. I assume this exhibit is to  
8 support those motions.

9 Is that correct, Mr. Brown?

10 MR. BROWN: That's correct. I -- I filed  
11 a -- a motion for reconsideration, and -- and we've also  
12 filed a reply to the response from Mr. Kirk and from  
13 Mr. Brewer on behalf of their respective clients to that  
14 motion. So this is in support of our motion and reply.

15 MR. KIRK: I think those were the pleadings  
16 for the hearing we had last week, Your Honor, and I  
17 don't know what the pleadings are for the hearing we're  
18 having today.

19 THE COURT: To my knowledge there are none.  
20 I think I had -- at the end of last week's hearing I  
21 said, Here is what I want to do, but if snags or  
22 problems arise, I wanted to be informed of them. And I  
23 think I have been informed, but I am not aware -- as a  
24 matter of fact, I asked Ms. Alarcon. I don't think  
25 anybody has filed any subsequent pleadings since our

1 hearing last week. Is -- is that correct?

2 MR. BROWN: That's -- that's correct, to my  
3 knowledge.

4 MS. KELLEY: Yes, Your Honor, that's  
5 correct.

6 THE COURT: Okay. Okay. Well, I will  
7 admit the exhibits.

8 (Defendant's Exhibit 1, admitted.)

9 THE COURT: And, Mr. Brown, let me ask  
10 you -- yeah, let me ask you a couple of questions about  
11 the part from Wells Fargo.

12 First of all, whatever that treasury money  
13 market fund descriptive document is, it lists what the  
14 returns are and the performance and does it monthly, and  
15 it sort of ranges from a high of 1.46 percent in  
16 December of 2019 and it goes all the way down to  
17 .01 percent in December of 2020. I remember I did have  
18 some discussion with your client, and he was telling me  
19 he thought there was an eight-to-10-percent return on  
20 this -- this money. I -- I assume he was incorrect in  
21 those statements last -- last week?

22 MR. BROWN: Judge, I -- I guess what I  
23 would say is, I -- I don't know. I -- I don't know  
24 whether the -- the -- the yield over time somehow  
25 calculated is -- is what he said or if it's not. I

1 understand what the Court is saying about the -- the  
2 30-day yield, but I don't -- I don't pretend to know how  
3 it translates into any kind of a -- I guess an annual  
4 yield. I don't know.

5 THE COURT: Okay. And, also, on this  
6 document from Wells Fargo it does say that there is a  
7 investment minimum of 10 million, and it's my  
8 understanding substantially less than that has been  
9 deposited. So I'm not sure this description of this  
10 fund and what it yields would be applicable to the money  
11 that you-all are fighting over.

12 Anyway, those are my observations. I'll  
13 overrule the objection. It's -- it's admitted.

14 So where are we at? Can the money be  
15 deposited by Monday in the registry of the Court?

16 MR. BROWN: That's another concern that I  
17 wanted to raise, Judge, is that my understanding -- and,  
18 again, I don't -- I can -- I can only do -- do so much  
19 based on my understanding of what the bank requires.  
20 But my understanding from them is that it takes 10 to 15  
21 days for them to sell the shares once the account is  
22 liquidated. And I'm assuming, for instance, if it's  
23 liquidated at \$750,000, they have to sell the equivalent  
24 of shares to equal \$750,000 to allow that amount of  
25 money to be withdrawn. So --

1 STATE OF TEXAS )  
2 COUNTY OF EL PASO )  
3

4 I, Maria I. Stallings, Official Court Reporter in  
5 and for the 327th District Court of El Paso County,  
6 State of Texas, do hereby certify that the above and  
7 foregoing contains a true and correct transcription of  
8 all portions of evidence and other proceedings requested  
9 in writing by counsel for the parties to be included in  
10 this volume of the Reporter's Record, in the  
11 above-styled and numbered cause, all of which occurred  
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of  
14 the proceedings truly and correctly reflects the  
15 exhibits, if any, offered by the respective parties.

16 I further certify that the total cost for the  
17 preparation of this Reporter's Record is \$230.40 and was  
18 paid by Mr. James Brewer, Esq.

19 WITNESS MY OFFICIAL HAND this the 23rd day of  
20 July, 2021.

21

22 /s/ Maria I. Stallings  
23 MARIA I. STALLINGS, Texas CSR# 8229  
24 Official Court Reporter  
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25 Expires May 31, 2023